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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,119	06/23/2003	Jun Fujisawa	83366.0042	9105

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

ZHENG, JACKY X

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/602,119	Applicant(s) FUJISAWA ET AL.	
	Examiner Jacky X. Zheng	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 23, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action based on the application filed on June 23, 2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on February 10, 2004 was filed after the mailing date of the application on June 23, 2003. The information disclosure statement is being considered by the examiner. In addition, corresponding publication (U.S. 6,822,765) of the disclosed application is considered and cited.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1, 3-16, 33-34 and 21-36** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 recites the limitations of “placement information of an image including a storage location of image data of the image, a size of the image” and “forming information of an image” (and in the later claims, such as claims 3, 5, 7 and 9, “forming information of an image” is claimed to include “image trimming information”, “image flipping information”, “image rotation angle” and “image aspect ratio maintaining information” respectively). The usages of terminology is inconsistent, in view of the disclosure, in SPECIFICATION, Page 10, line 19 – Page 11, line 10, discloses that “image placement information”, rather than “forming information of the image” or “image forming information” including the “image trimming information”, “image flipping information”, “image rotation angle” and “image aspect ratio maintaining information”. The inconsistent usage of the terminologies has rendered the claim scopes indefinite. Claims 19, 20 and 37 appear to have the identical issues. This also affects the dependent claims 3-16, 33-34 and 21-36. Further clarification is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venable (U.S. 6,557,017) and further in views of Kawamoto et al. (U.S. 5,978,563) and Tanimoto (U.S. 2003/0005045).

With regard to claims 1-16, the claims are drawn to an image forming apparatus that processes data described in a predetermined descriptive language. Venable discloses an invention relates to an image processor or generator for representing a complex color raster image as a collection of objects in a hierarchical and device independent format, including the ability to change the syntax of the Structured Image Definition Language (SIDL), the ability to change image processing systems and etc. (See Venable, “Background of Invention”), further disclose “means for generating a representation of at least one raster image using at least one output structured image capable of being displayed or printed (See *Column 5, lines 55-58*), and generating of the output structured image as a result of performing “at least one image processing operation” and the adjusting of the “image attribute” (See *Column 5, lines 59-65*). Venable specifically disclose the limitations of the image processing operations, such as the operations of: maintaining of the aspect ratio of the image (See *Figure 4 for detailed illustration, and i.e. Column 11, line 55 – Column 12, line 8*), performing rotation of the image with an numeric value indicating the degree of the angle (See *Figure 8 for detailed illustration, Column 17, line 5*), flipping (or mirroring) of an image in “X or Y axis” (horizontally or vertically) (See *Column 19, lines 6-8, Column 17, line 7*), trimming (or cropping) of an image (See *Column 17, lines 59-60*). Additionally, Venable also discloses that “a printer” can be utilized for outputting “the SI data” (See *Column 7, lines 31-32*).

Venable does not *explicitly* disclose the limitations of: performing the image processing operations in sequential order; and “the descriptive language” being in “XML (Extensible Markup Language) standard”, “SVG (Scalable Vector Graphics) standard” and “XHTML (Extensible Hyper Text Markup Language) standard”.

However, Kawamoto et al. disclose the limitation of performing the image processing operations in a sequential order; specifically, Kawamoto et al. disclose the limitations of utilizing “page-description languages” capable of “freely controlling the enlargement, reduction, rotation, and deformation of character or graphics” (*See Kawamoto et al., Column 1, lines 18-27*), and “a document syntax analyzing means” that analyzes the stream of *command sequence* (*See i.e. Column 3, lines 12-18*) and “counting the order of command sequences output from the syntax analyzing means” (*Column 3, lines 53-58*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Venable to include the limitations of performing the image processing operations in sequential order taught by Kawamoto et al. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Venable by the teachings of Kawamoto et al. to include the limitations of performing the image processing operations in sequential order taught by Kawamoto et al. *for forming an accurate image* (*Column 3, line 65 – Column 4, line 3*).

Venable and Kawamoto et al. do not *explicitly* disclose the limitation of “the descriptive language” being in “XML (Extensible Markup Language) standard”, “SVG (Scalable Vector Graphics) standard” and “XHTML (Extensible Hyper Text Markup Language) standard”.

However, Tanimoto discloses the limitations of “the descriptive language” being in “XML (Extensible Markup Language) standard”, “SVG (Scalable Vector Graphics) standard” and “XHTML (Extensible Hyper Text Markup Language) standard” among other limitations. Tanimoto specifically disclose that “XML, SVG, XHTML and Voice XML are characteristically capable of defining an attribute name related to structured data” (See Tanimoto, Paragraphs [0006] – [0009]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Venable and Kawamoto et al. to include the limitations of “the descriptive language” being in “XML (Extensible Markup Language) standard”, “SVG (Scalable Vector Graphics) standard” and “XHTML (Extensible Hyper Text Markup Language) standard” taught by Tanimoto. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Venable and Kawamoto et al. by the teachings of Tanimoto to include the limitations of “the descriptive language” being in “XML (Extensible Markup Language) standard”, “SVG (Scalable Vector Graphics) standard” and “XHTML (Extensible Hyper Text Markup Language) standard” taught by Tanimoto for the convenience of data processing, and easily rendering of the image data (See Tanimoto, Paragraphs [0007] & [0008]).

With regard to claims 2 and 17-18, the claims are drawn to an image forming apparatus that processes data described in a predetermined descriptive language, comprising the *identical* limitations recited in claims 1-16 above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-16 above*).

With regard to claims 19 and 33-34, the claims are drawn to an image forming method that processes data described in a predetermined descriptive language, comprising the *identical* limitations recited in claims 1-16 above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-16 above*).

With regard to claims 20-32 and 35-36, the claims are drawn to an image forming method that processes data described in a predetermined descriptive language, comprising the *identical* limitations recited in claims 1-16 above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-16 above*).

With regard to claims 37 and 38, the claims are drawn to a computer readable storage medium that stores an image forming program, comprising the *identical* limitations recited in claims 1 and 2 respectively above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1 and 2 above*).

Furthermore, Kawamoto et al., the limitation of implementation of computer program product that runs on computer to carry out the raster graphics processing, See i.e. Column 4, lines 38-65).

With regard to claims 39 and 40, the claims are drawn to an image forming apparatus which interprets command to process forming of an image and executes said commands, comprising the *identical* limitations recited in claims 1-16 above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 1-16 above. Furthermore, Kawamoto et al. disclose the utilization of the information of the command sequence as discussed above*).

With regard to claims 41 and 42, the claims are drawn to an image forming method which interprets command to process forming of an image and executes said commands, comprising the *identical* limitations recited in claims 39 and 40 respectively above (*The claims are rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claims 39 and 40 above. Furthermore, Kawamoto et al. disclose the utilization of the information of the command sequence as discussed above*).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Hino (U.S. Patent No. 2002/0036788, CANON) disclose an image processing apparatus processes a document described in a structured description language to generate an image.
- B. Ohmori (U.S. Patent No. 6,822,765, CANON, IDS Corresponding Patent Publication) disclose an image processing apparatus, utilized in information conformation by a user.
- C. Koh et al. (U.S. Patent No. 6,624,910, CANON) disclose an image forming method and apparatus.
- D. Mori et al. (U.S. Patent No. 7,046,385, CANON) disclose a print control method and apparatus, a medium in a document processing system for providing an *edit function for document data generated by a document processing program, for example*.

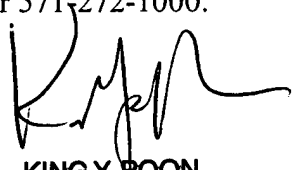
- E. Nagasaka (U.S. Patent No. 5,511,156) disclose an invention relates to the rasterized processing for obtaining printing picture element information from *a source file described in a page description language*.
- F. Hanamoto (U.S. Pub. No. 2002/0019833, CANON) disclose a data editing apparatus and method.
- G. Huang (U.S. Pub. No. 2001/0032218) disclose a method and apparatus for utilizing document type definition to generate structured documents.
- H. Rumph et al. (U.S. Patent No. 6,671,064) disclose an object optimized printing system and method.
- I. Adachi et al. (U.S. Patent No. 5,768,489) disclose a printing processing system and method.
- J. Venable et al. (U.S. Patent No. 5,485,568) disclose a structured image (SI) format for describing complex color raster images.
- K. Kanno (U.S. Patent No. 4,667,248) disclose a document image-editing device.
- L. Motoyama (U.S. Patent No. 5,353,388) disclose a system and method for document processing.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 7:30 a.m.-5p.m., Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacky X. Zheng
Division: 2625
Date:



KING Y. POON
PRIMARY EXAMINER